



U.S. Department of Justice

United States Attorney
District of Minnesota

US EPA RECORDS CENTER REGION 5



515792

FXH:edp

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November 20, 1981

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Richard W. Emory, Jr., Esq.
Attorney Advisor
Environmental Protection Agency
WH 527 M
401 "M" Street SW
Washington, DC 20460

Re: United States v. Reilly Tar
Civil No. 4-80-469

Dear Counsel:

I enclose a copy of a letter received from Reilly's attorney requesting information concerning the testing of groundwater in St. Louis Park.

As you know, Erica wrote U.S.G.S. this week about this very subject. If we are to remove Mark Hult from his position as answer man to one and all, we must establish a procedure for answering requests of this type. Accordingly, please determine what sampling has been done by the United States so that we can respond to this specific request. Additionally, someone from EPA should be designated to handle requests of this type in the future.

Thank you for your immediate attention.

Sincerely yours,

JAMES M. ROSENBAUM
United States Attorney

BY: FRANCIS X. HERMANN
Assistant United States Attorney

Enclosure-1

cc: Erica Dolgin (w/enclosure)

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November 16, 1981

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Re: United States, et al. v. Reilly Tar
& Chemical Corporation, et al.
File No. 7-80-469

Gentlemen:

I am writing to you jointly because there is a lack of complete understanding on my part as to just which governmental body has been responsible for testing the quality of groundwaters in St. Louis Park. It appears that perhaps some testing has been done or authorized by each of the units of government; that is, the United States, the State of Minnesota and St. Louis Park. I spoke with Steve Shakman last week concerning this and he suggested that I write to all of you.

I have indicated to each of you on various occasions that Reilly Tar desires to cooperate in proposing and implementing cost effective solutions to the perceived problems in St. Louis Park and Hopkins. As explained in the letter from Environmental Research & Technology, Inc., dated September 29, 1981, which I

Messrs. Shakman, Hinderaker
and Hermann
Page Two

November 16, 1981

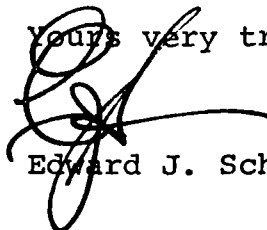
forwarded to each of you, we believe that the raw and finished water quality has not been reliably established to date. In order to assist in future efforts, however, we need to obtain copies of all groundwater tests already performed, whether done by the USGS, the Minnesota Department of Health, St. Louis Park or independent contractors. Accordingly, I would like to request that each of you furnish copies of all such tests. In referring to groundwater, I include not only tests of the drinking water aquifers, but also all other tests, including, for example, (1) "Round Robin" tests, or other tests to establish testing or analytical procedures to be followed; (2) shallow water tests done in the summer of 1980; (3) samples sent to the USGS Denver Laboratory for total compound identification; and (4) tests done by the EPA of all samples from the Prairie du Chien/Jordan aquifer.

The last samples received by us were in conjunction with interrogatory answers received in the spring of 1980, plus the tables included with the Hickok report of April 1981. This request is in order to permit us to update our knowledge of the overall situation on analytical work done since that time.

Reilly also continues to desire to have input in determining whether there are any substantial creosote deposits at the bottom of Well 23. You will recall that we expressed an interest in conducting tests in order to evaluate the characteristics of the material in Well 23 at a very early date. This testing was not done only because there was a period of time when the parties to this litigation were discussing settlement. I requested in my telephone conversation with Steve that no further effort along this line be taken by the State without permitting Reilly to submit a proposal, and I wish to confirm that request through this letter.

We are grateful for your continued cooperation so that the remedial work to be done at St. Louis Park can move forward in a relatively informal manner.

Yours very truly,



Edward J. Schwartzbauer

EJS:ml

cc: Joseph C. Vesely, Esq.
Robert Polack, Esq.
Mr. John Craun